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AF/ 3713

AMENDMENT TRANSMITTAL LETTER

**Expedited
PROCEDURE**
WINX 3.0-008

 Application No.
09/272,467

 Filing Date
March 19, 1999 ~~1997~~ 4 2002

 Examiner
Scott E. Jones

 Group Art Unit
3713

Applicant(s): Hideo Kojima

TECHNOLOGY CENTER R3700

Invention: IMAGE PROCESSING METHOD, VIDEOGAME APPARATUS AND STORAGE MEDIUM

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED						
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate		
Total Claims	42	- 42 =	0	x	18.00	0
Independent Claims	4	- 4 =	0	x	84.00	0
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>						
Other fee (please specify):						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:						0

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.
☒ Please charge Deposit Account No. 12-1095 in the amount of \$ 0.
A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 12-1095
as described below. A duplicate copy of this sheet is enclosed.
☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Dated: November 16, 2001

Stephen B. Goldman

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TECHNOLOGY CENTER R370Q

EXPEDITED PROCEDURE
EXAMINING GROUP UNIT 3713
PATENT
WINX 3.0-008

#12
Rec'd for
Rec.
H/1
1/16/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :
HIDEO KOJIMA :
Application No. 09/272,467 :
Filed: March 19, 1999 :
For: IMAGE PROCESSING METHOD, :
VIDEO GAME APPARATUS AND :
STORAGE MEDIUM :
X

Group Art Unit: 3713

Examiner: Scott E. Jones

Date: November 16, 2001

BOX AF
Commissioner for Patents
Washington, D.C. 20231

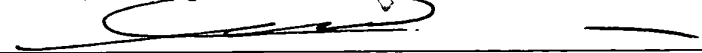
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1-22-02
S.E. Jones

AMENDMENT

Sir:

This Amendment is in response to the outstanding Official Action dated June 19, 2001, the shortened statutory period for filing a response having expired on September 19, 2001. In this regard, Applicant submits herewith a two month Extension Petition to reset the deadline for response to the Official Action to and including November 19, 2001. In view of the above amendments and within remarks, reconsideration of the Examiner's rejection is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on November 16, 2001.


(Signature)

Stephen B. Goldman
Typed or Printed Name of Person Signing Certificate

The present application includes claims 1-42, of which claims 1, 9, 21 and 32 have been presented in independent form. Turning to the prior art rejection, the Examiner has rejected claims 1, 9, 19, 20, 32 and 39 under 35 U.S.C. §102(e) as being anticipated by Goden, et al., U.S. Patent No. 5,830,066; claims 2, 11 and 36 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al.; claims 3-5, 12, 13, 15, 35, 37 and 38 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Rieder, U.S. Patent No. 5,769,718; claim 14 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Rieder in further view of Mukojima, et al., U.S. Patent No. 5,768,393; claims 6, 7, 16, 17, 34 and 40 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Logg, U.S. Patent No. 5,616,031; claim 41 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Logg in further view of Mukojima, et al.; claims 8, 18 and 42 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of "Corpse Killer" (Video Game by 3DO); claims 10, 21, 22, 30, 31 and 33 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Mukojima, et al.; claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Mukojima, et al. in further view of Raider; claims 26-28 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Mukojima, et al. in further view of Logg; and claim 29 under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view

of Mukojima, et al. in further view of "Corpse Killer" (Video Game by 3DO). In view of the below remarks, the Examiner's rejection is considered traversed and should therefore be withdrawn.

As to Applicant's independent claims, i.e., claims 1, 9, 21 and 32, these claims includes the limitation of selectively producing one of a subjective scene image and an objective scene image based on the detected display position and motion of the character. More specifically as to claims 1 and 21, the first scene image is subjectively viewed by the character, while the second scene image is objectively viewing the motion of the character. More specifically as to claims 9 and 32, the first scene image is subjectively viewed by the character while stopped in a moveable state, the second scene image is subjectively viewed by the character while moving, and the third scene image is subjectively viewing the character and motion of the character. These limitations of Applicant's claims are neither nor taught nor rendered obvious by the prior art cited by the Examiner.

As to these features of Applicant's claimed invention, the Examiner refers to Goden, et al. with specific reference to col. 11, ln. 48-col. 14, ln. 49, and Figs. 5(a)-5(f). In maintaining the rejection of Applicant's claims over Goden, et al., the Examiner states that the sequence of illustrations in Figs. 5(a)-5(f) are not just a panning sequence, but rather, are

individual scenes which are selectively produced based on the detected display position and motion of the character. The Examiner refers to the description in Goden, et al. in col. 11, ln. 48-col. 21, ln. 27. In essence, the Examiner refers to the entire detailed description in Goden, et al.

The Examiner further states that Goden, et al. discloses that it is not necessary for the camera viewpoint position to circle completely around the characters, but, for example, the display of the map 26 may halt in the area of viewpoint 5. The camera viewpoint position may follow points 1-6 in Fig. 4 in order, or it may follow them in reverse order, or alternatively, it may follow them in non-consecutive order. The camera viewpoint position may move continuously between these points, or it may move onto points 1-6 only. The camera viewpoint position may move within a vertical plane as shown in Fig. 4 or it may move within a horizontal plane. Moreover, the camera may pan by moving slowly left and right or up and down, or zoom, as in cinematic filming. In short, the screen display should be changed gradually to show information sources, such as maps, explanations, and diagrams, which are continuously required, without interrupting the game screen. In doing this, the surrounding scenery and the characters should be included in the display (col. 14, lns. 25-42). Therefore, not only are the viewpoints individual screens, but are dynamically produced based

on the detected display position and motion of the character (col. 14, ln. 25-col. 17, ln. 8).

Contrary to the Examiner's position, and as pointed out in Applicant's prior response of April 5, 2001, Goden, et al. in col. 11, ln. 48-col. 14, ln. 24 only teaches that the camera viewpoint coordinates 1-6 (as shown in Fig. 4) are prestored in ROM 102 and read out in turn for corresponding image processing of display data. This viewpoint movement control is automatically executed when it is determined that game processing is finished and one stage has been completed. What should be apparent to the Examiner is that this portion of Goden, et al. clearly fails to teach the aforementioned claimed features of switching between a subjective scene image and an objective scene image based on the detected display position and motion of the character.

On this issue, the Examiner states that "The viewpoint movement control steps that Applicant refers to (col. 12, lines 36-39) only pertain to a player that is in **transition** from one stage of a game to another stage of a game, not during the actual 'playing' of the game." It is pointed out to the Examiner that Goden, et al., see col. 14, lns. 25-42, teaches various manners of moving the camera viewpoint position among points 1-6 in Fig. 4. However, there is no teaching that this movement of the camera viewpoint position is performed based on the detected display position and motion of the character. This moving of the

camera viewing position among points 1-6 in Goden, et al. is predetermined according to a game program. The Examiner's attention is directed to col. 14, lns. 43-49 in support of Applicant's position. It is specifically stated by Goden, et al. that "In short, it may be applied to any scene where a scene change or temporary interruption is required." This teaching in Goden, et al. neither anticipates nor renders obvious Applicant's claimed feature of the selective production of a subjective scene image and an objective scene image based on the display position and motion of the character.

Further in support of Applicant's position, the Examiner is referred to col. 14, ln. 50-col. 17, ln. 8 under the heading "Operation for Determining Viewpoints" which teaches how to determine the camera orientation according to an angle of a curve. This viewpoint determination based on a curve angle is irrelevant to Applicant's claimed invention wherein one of a subjective scene image and an objective scene image is selectively produced based on the detected display position and motion of the character. Similarly, the Examiner's attention is directed to Goden, et al., col. 17, ln. 7-col. 18, ln. 38 under the heading "Operation for Coordinate Processing to Represent a River Flow"; col. 18, ln. 39-col. 20, ln. 4 under the heading "Operation for Screen Movement Processing"; and col. 20, lns. 5-64 under the heading "Description of Polygon Number Restriction." These teachings in Goden, et al., once again, are totally

irrelevant to the foregoing features which distinguish all of Applicant's claims over Goden, et al. Here again, there is nothing in Goden, et al. to teach or suggest that one of a subjective scene image and an objective scene image is selectively produced based on the detector display position and motion of the character.

Notwithstanding the foregoing, it is further pointed out to the Examiner that Goden, et al. in col. 20, ln. 65-col. 21, ln. 27 under the heading "Description of Field of View Angle" teaches how to change the field of view angle with game development. Specifically as described at col. 21, lns. 19-24, when the truck is traveling through a tunnel, the field of view angle is set extremely small, when it is traveling through hills or the like, the field of view is set to a medium angle, and when it is traveling across a plane or the like, the field of view is set to a large angle. This teaching in Goden, et al. of changing the field of view angle is once again contrary to Applicant's invention.

The fact is, the Examiner has failed to cite any portion of Goden, et al. which teaches or suggests that one of a subjective scene image and an objective scene image is selectively produced based on the detected display position and motion of the character. Rather, the Examiner refers to other aspects of Goden, et al. as to camera viewpoint positions, none of which teach or suggest the foregoing claimed features as set

forth in claims 1-42, and specifically independent claims 1, 9, 21 and 32. It is therefore Applicant's position that Goden, et al. does not support the Examiner's position that "Therefore, not only are the viewpoints individual scenes, but are dynamically produced based on the detected display position and motion of the character...." Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

As the primary reference cited by the Examiner, i.e., Goden, et al. is wholly deficient in teaching or suggesting the aforementioned claimed limitations, all claims are deemed patentable notwithstanding the Examiner's citation to the secondary references. In addition, it is noted that the Examiner stated in the Official Action that Applicant's allegation as to the patentability of independent claims 9, 21 and 32 was not persuasive as merely general allegations that the claims define a patentable invention without specifically pointing out how the language of the claims distinguish themselves from the references. On this issue, the Examiner's attention is directed to Applicant's prior communication of April 5, 2001 where it was specifically stated that as to these claims "Here again, Goden, et al. discloses a panning sequence and not individual scenes which are selectively produced based on the detected display position and motion of the character." Thus, Applicant in its prior communication, as well as within the present communication, has specifically pointed out those claimed features which, among

others, distinguish all of Applicant's claims over the prior art cited by the Examiner. Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

In considering Applicant's within response, Applicant designates the dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

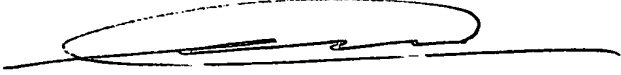
As all issues raised by the Examiner have now been overcome, Notice of Allowance is respectfully requested. If, for any reason, the Examiner is of the opinion that such action cannot be taken at this time, he is invited to telephone the undersigned at (908) 654-5000, so as to overcome any additional issues that may need resolution. If there are any fees to be

Application No. 09/272,467

incurred in connection with this response, the Examiner is authorized to charge Deposit Account No. 12-1095.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP



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